



A Communication from the Chief Legal Officers of the Following States:

Hawaii * Mississippi * Virginia

February 13, 2013

Dear Search Engines,

Thank you for your attendance at the National Association of Attorneys General's Intellectual Property Committee Stakeholder Discussion on November 28 in Ft. Lauderdale. We believe the meeting was a critical first step in addressing intellectual property crimes in the global online marketplace.

As we discussed, attorneys general are indeed concerned about the infringing activities. In addition to the economic impact, the sale of counterfeit products clearly places the consumers' health and safety at risk. Immigration and Custom Enforcement Director John Morton's comments provided chilling examples of the harm that can be inflicted by such products.

We are therefore interested in achieving a consensus on voluntary action that members of the e-commerce community can take to eliminate or significantly reduce infringing activities, with the caveat that to the extent possible, the voluntary action should not be overly burdensome, either technically or financially. To that end, we are intending to have a conference call with each sector to obtain feedback from the November meeting, as well as discuss the voluntary action and the next steps.

As a prelude to the conference call, we are interested in receiving your written comments on the following:

- Specific details of how the takedown process works.
- A detailed explanation of the use of DMCA notices or other factors to alter search results, including statistics demonstrating how rankings have been altered as a result of removal notices.
- How auto complete features can be altered to reduce or eliminate directing consumers to counterfeit product sites, as well as illegal and harmful sites, such as the search "buy oxycodone online without a prescription" mentioned at the meeting.
- How licensing services have helped or can help reduce infringing activities.
- Whether "whole site" removal can be used in cases of repeat offenders.
- Legal issues posed by altering or eliminating direct access by consumers to counterfeit product sites and illegal and harmful sites, as well as "whole site" removal.
- What role search engines have played in curbing the sale of counterfeit pharmaceuticals, medical devices, and other products posing significant consumer health and safety threats.


One of our staff members will be following up on this letter to obtain your comments on the items listed above.

Thank you in advance for your cooperation and assistance.

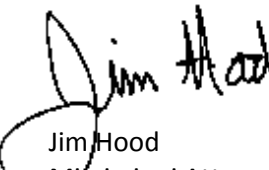
Sincerely,

A handwritten signature in black ink, appearing to read "David M. Louie".

David M. Louie
Hawaii Attorney General

A handwritten signature in black ink, appearing to read "Ken Cuccinelli".

Kenneth T. Cuccinelli
Virginia Attorney General

A handwritten signature in black ink, appearing to read "Jim Hood".

Jim Hood
Mississippi Attorney General